

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

FAMILIES FOR FREEDOM, INC.,
NATIONAL IMMIGRATION
PROJECT OF THE NATIONAL
LAWYERS' GUILD, RAFIU ABIMBOLA,
and CAMAL MARCHABEYOGLU,

Plaintiffs,

v.

MICHAEL CHERTOFF, SECRETARY OF
THE UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Defendant.

No. 08-CIV-4056

Dated: June 9, 2008

NOTICE OF FILING OF PROOF OF SERVICE

Plaintiffs, by and through undersigned counsel, hereby give notice of the filing of the following:

- **Exhibit A:** a copy of the original Return of Service reflecting service of the Complaint and Summons on Michael Mukasey, Attorney General.
- **Exhibit B:** a copy of the original Return of Service reflecting service of the Complaint and Summons on Defendant Michael Chertoff.
- **Exhibit C:** a copy of the original Return of Service and Affidavit of Service reflecting service of the Complaint and Summons on Michael J. Garcia, United States Attorney.

/s/ Michael J. Wishnie

Michael J. Wishnie, Esq.
Jerome N. Frank Legal Services Organization
Yale Law School
127 Wall Street
New Haven, CT 06511
Telephone: (203) 432-4800
Facsimile: (203) 432-1426
michael.wishnie@yale.edu

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Notice of Filing of Proof of Service was filed electronically. The following counsel of record will be notified via the Court's electronic filing system:

DAVID BOBER, ESQ.
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2718
Facsimile: (212) 637-2786
Email: david.bober@usdoj.gov

/s/ Michael J. Wishnie
Michael J. Wishnie, Esq.
Jerome N. Frank Legal Services Organization
Yale Law School
127 Wall Street
New Haven, CT 06511
Telephone: (203) 432-4800
Facsimile: (203) 432-1426
michael.wishnie@yale.edu

EXHIBIT A

JUDGE CHIN

AO 440 (Rev. 6/07) Summons in Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Families for Freedom, Inc., National Immigration
Project of the National Lawyers' Guild,

Rafiu Abimbola, and Camal Marchabeyoglu
V.

Michael Chertoff, Secretary of the U.S.
Department of Homeland Security

SUMMONS IN A CIVIL ACTION

'08 CIV 40567
CASE NUMBER

TO: (Name and address of Defendant)

Michael Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael J. Wishnie
Jerome N. Frank Legal Services Organization
Yale Law School
P.O. Box 209090
New Haven, CT 06520-9090

an answer to the complaint which is served on you with this summons, within sixty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

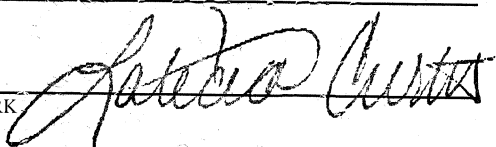
J. MICHAEL McMAHON

APR 30 2008

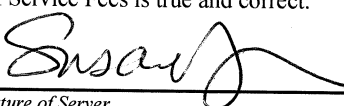
CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE 5/20/2008	
NAME OF SERVER (<i>PRINT</i>) Susan L. Voigt	TITLE State Marshal, New Haven County	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input checked="" type="checkbox"/> Other (specify): In acc with Rule 4(i) F.R. Civ. P., 3 true and attested copies served upon the regional office-U.S. Attorney, 157 Church St., New Haven, CT 06510 on 5/20/08 & 2 copies mailed to U.S. A.G. in Wash, DC</div>		
STATEMENT OF SERVICE FEES		
TRAVEL \$2.12	SERVICES \$58.94	TOTAL \$61.06
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>5/20/2008</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 60%; text-align: center;">  <p style="text-align: center; font-size: small;">Signature of Server</p> </div> </div> <div style="text-align: center; margin-top: 20px;"> <p><u>28 Pelham Lane, New Haven, CT 06511</u></p> <p style="text-align: center; font-size: small;">Address of Server</p> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Families for Freedom, Inc., National Immigration
Project of the National Lawyers' Guild,
Rafiu Abimbola, and Camal Marchabeyoglu

V.

Michael Chertoff, Secretary of the U.S.
Department of Homeland Security

SUMMONS IN A CIVIL ACTION

08 CIV 4056

CASE NUMBER:

TO: (Name and address of Defendant)

Michael Chertoff,
Secretary of the Department of Homeland Security
Washington, D.C. 20528

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael J. Wishnie
Jerome N. Frank Legal Services Organization
Yale Law School
P.O. Box 209090
New Haven, CT 06520-9090

an answer to the complaint which is served on you with this summons, within sixty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

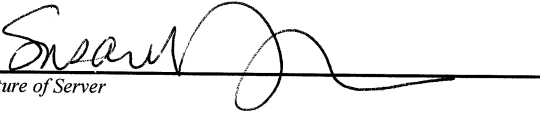
[Signature]

(By) DEPUTY CLERK

DATE

APR 30 2008

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE 5/20/2008	
NAME OF SERVER (<i>PRINT</i>) Susan L. Voigt	TITLE State Marshal, New Haven County	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input checked="" type="checkbox"/> Other (specify): In acc with Rule 4(i) F.R. Civ. P., 3 true and attested copies served upon the regional office-U.S. Attorney, 157 Church St., New Haven, CT 06510 on 5/20/08 & 2 copies mailed to U.S. A.G. in Wash, DC</div>		
STATEMENT OF SERVICE FEES		
TRAVEL \$2.12	SERVICES \$58.94	TOTAL \$61.06
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>5/20/2008</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 60%; text-align: center;">  <p style="text-align: center; font-size: small;">Signature of Server</p> </div> </div> <div style="text-align: center; margin-top: 20px;"> <p><u>28 Pelham Lane, New Haven, CT 06511</u></p> <p style="text-align: center; font-size: small;">Address of Server</p> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT C

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICEService of the Summons and complaint was made by me⁽¹⁾

DATE

May 15, 2008 - 10:30 AM

NAME OF SERVER (PRINT)

Laurance Knox

TITLE

Process server

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served: 86 Chambers Street
New York, NY 10007
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- ☐ Returned unexecuted:

- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

\$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

5/19/08

Date

Signature of Server

20 Vesey St. New York, NY 10007

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

CMH

UNITED STATES DISTRICT COURT

Index No. 08 CIV 4056

Filed on 4/30/2008

FAMILIES FOR FREEDOM, NATIONAL IMMIGRATION PROJECT OF THE NATIONAL LAWYERS' GUILD, RAFIU ABIMBOLA,
AND CAMAL MARCHABEYOGLU,

-against-

MICHAEL CHERTOFF, Secretary of Homeland Security

AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF SUFFOLK: LAURANCE KNOX, being duly sworn, deposes and says: I am over the age of 18 years, am not party to this action, and reside in the State of New York. That on 5/15/2008, at 10:30 AM, at SOUTHERN DISTRICT OF NEW YORK, 86 CHAMBERS STREET NEW YORK, NY 10007, I served the **SUMMONS IN A CIVIL ACTION AND COMPLAINT** bearing Index # 08 CIV 4056, Upon **MICHAEL J. GARCIA, UNITED STATES ATTORNEY,**

☐ INDIVIDUAL

by personally delivering a true copy thereof to said recipient, known by deponent to be said person named therein.

☒ AGENCY / BUSINESS ENTITY

A Federal Agency, by delivering thereat a true copy of each to **A. CHARLES, Managing Agent**, known by deponent to be an authorized agent of the recipient named therein.

☐ SUITABLE AGE PERSON

by delivering a true copy of each to a person of suitable age and discretion, to wit: , , who verified that the intended recipient actually resides at this location.

☐ AFFIXING TO DOOR

by affixing a true copy of each to the door of said premises, which is recipients actual dwelling house (usual place of abode). Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the dates and times below: Deponent verified that recipient lives at said premises with , .

☒ MAILING COPY

Deponent enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" and properly addressed to recipient at **SOUTHERN DISTRICT OF NEW YORK, 86 CHAMBERS STREET NEW YORK, NY 10007** and mailed same by First Class Mail and Certified Mail 7007 3020 0002 1903 1106 by depositing in an official depository under exclusive care and custody of the U.S. Postal Service in the State of New York on **5/21/2008**.

☒ DESCRIPTION

Sex: Female; Color: Black; Hair: Black; Approx. Age: 35-39; Approx. Height: 5'6"; Approx. Weight: 180; Other: refused first name

☐ WITNESS FEE

Deponent tendered to the recipient \$ as witness, traveling, or other statutory fee.

☐ MILITARY SERVICE

Deponent asked the person spoken to whether the recipient was presently on active duty or dependent on someone who was on active duty in the military service of the United States and was informed that he/she was not.

Sworn to before me on 5/21/2008 :


LAURANCE KNOX
NYC License # - 1167432

CMH 15380

Christine M. Hanson
Notary Public, State of New York
No. 01HA6162668
Qualified in Suffolk County
Commission Expires 03/12/2011

Attorney / Client: THE JEROME N. FRANK LEGAL SERVICES ORGANIZATION
PO BOX 209090
NEW HAVEN, CT 06520-9090
Phone: 203-432-4800
File No. GARCIA

RETURN TO: NCS 4250 VETERANS HWY SUITE 4000 W, HOLBROOK, NY 11741 (110028)